

LEGALINK, A MERRILL COMPANY
Court Reporting * Legal Videography * Trial Services

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

 COPY

GERALD RUHNOW and CONNIE
RUHNOW,

Plaintiffs,

vs.

LANE HEARD TRUCKING, LLC.,
et al.,

Defendants,

*
*
*
*
*
*
*
*
*
*
*

CIVIL ACTION NO. 2:05 CV 527-F

* * * * *

VIDEOTAPED

DEPOSITION OF:

RANDALL JACKSON

DATE TAKEN:

April 1, 2006

TIME:

9:19 a.m.

PLACE:

111 North Orange Avenue
Suite 1060

Orlando, Florida

REPORTED BY:

Jan L. O'Steen, Court Reporter
Notary Public

* * * * *

LEGALINK, A MERRILL COMPANY
Court Reporting * Legal Videography * Trial Services

Page 7

1 MS. HAMMETT: Yes, Linda.

2 MS. AMBROSE: Did we go over the
3 stipulations?

4 MS. HAMMETT: We didn't. Is everybody
5 okay with the usual stipulations?

6 MS. AMBROSE: That's fine.

7 MR. SPARROW: Yes.

8 MS. HAMMETT: Okay.

9 MR. GARRETT: It's fine with me.

10 BY MS. HAMMETT:

11 Q All right. Mr. Jackson, please tell me,
12 and, more importantly, tell the jury everything you
13 can remember about the accident that took place in
14 Troy.

15 A Okay. Well, the -- I was traveling
16 southbound on Highway 231, roughly, about three to
17 four miles south of Troy, Alabama. It was, I guess,
18 about -- I want to say around nine -- between nine
19 and nine-thirty in the evening. It was raining. It
20 wasn't a downpour, but it was raining and it was
21 dark.

22 As I came up the hill, a truck passed me.
23 I guess that was the truck that I guess your client
24 was in. We were --

25 Q Let me interrupt you. When you say my

LEGALINK, A MERRILL COMPANY
Court Reporting * Legal Videography * Trial Services

Page 8

1 client, do you mean Mr. Dukes, the driver of the
2 truck?

3 A The driver -- I guess it was a white
4 Freightliner.

5 Q Okay.

6 A I'm assuming that was the driver who was
7 killed. I'm not -- I didn't know who was in what
8 truck at the time.

9 But the truck passed me. I was doing
10 about 45 miles an hour. He was probably doing about
11 between 50 and 55 going up the hill. As he passed
12 me, we topped the hill. He was probably, I want to
13 say, a little bit shorter than the length of a
14 football in front of me, in between 75 and 50 yards
15 in front of me.

16 I saw sparks come off the back of his
17 truck. I assumed that he had blown a tire, so I
18 slowed down to give him, you know, room to do
19 whatever needed to be done to get his truck, you
20 know, off to the side of the road or whatever
21 happened -- whatever was going to happen.

22 Right after I saw the sparks, I would say
23 about four to five seconds after that, his truck
24 took an extremely hard turn to the left, which
25 actually took him into oncoming traffic. So he

LEGALINK, A MERRILL COMPANY
Court Reporting * Legal Videography * Trial Services

Page 9

1 crossed from the southbound lane to the northbound
2 side of 231. This took place right at -- I believe
3 it was a Pritchard's gas station, just to the right,
4 and that's the landmark that I remember because it
5 was right there at that gas station.

6 When the truck took a hard turn to the
7 left, it was almost as though he just turned the
8 truck extremely hard, is what it appeared to me. I
9 didn't know what was going on. The trailer started
10 to turn to go over and land on its side, and just
11 as -- just before the trailer hit, a truck that was
12 traveling in the northbound side of 231 made impact
13 with the truck that just crossed over from the
14 southbound to northbound side. The two trucks hit,
15 and there was, you know, fire almost
16 instantaneously.

17 At that point, I stopped the truck, got
18 out, and tried to, you know, call for the drivers.
19 There was another truck driver behind me -- I don't
20 know his name -- who got out just about the same
21 time I did. He was behind me, apparently. And
22 there was another gentleman there who I don't know
23 where he came from.

24 We pulled one driver -- both drivers were
25 in the ditch, which would have been on the

LEGALINK, A MERRILL COMPANY
Court Reporting * Legal Videography * Trial Services

Page 27

1 A Maybe 55, 60, maybe. I mean, he wasn't --
2 he didn't -- he didn't like scream past me, you
3 know. And I was doing 45 coming up the hill, so I
4 was just gaining my speed as we topped the hill --
5 as I topped the hill. I was just coming back up to
6 around 55 -- to 50, and he was not pulling away from
7 me by any stretch of the imagination. So I
8 assume -- I mean, I don't know exactly, but I assume
9 he was only doing about 55, maybe 60.

10 Q So were you able to observe Mr. Duke
11 driving before this accident for a little while?

12 A The actual driver? I mean, did I actually
13 see --

14 Q Him in his vehicle before that? You --

15 A Oh, I mean --

16 Q You said he passed you --

17 A Yeah. Yeah. I was in front of him.

18 Yeah, I was in front of him as we came out of Troy.
19 We came down a hill, which is, I guess, right by, I
20 think it's a Wal-Mart or a Lowe's they were just
21 building at the time. I was going faster than he
22 was going down the hill. As we topped the first
23 hill, he was behind me, and then there was a
24 motorcycle in front of me -- in front of him, to the
25 right of me. The motorcycle went past, I guess his

LEGALINK, A MERRILL COMPANY
Court Reporting * Legal Videography * Trial Services

Page 64

1 saying anything, besides obviously she was upset and
2 crying? But besides that, did she say anything or
3 anything you remember?

4 A She didn't say anything to me. I mean, I
5 wasn't that close to her. So, I mean, she wasn't
6 close enough for me to actually speak to her.

7 Q Okay. I also need to clarify a couple of
8 things about that little wiggle we talked about
9 earlier. I understand that so far it's been your
10 testimony that you were following Michael directly
11 behind him in the right-hand lane in the southbound
12 two lanes, and that your first indication that there
13 was a problem was that you noticed some sparks
14 coming from his trailer; is that correct?

15 A There were sparks that I thought were
16 coming from the trailer, yes.

17 Q Okay. Or from his rig in general?

18 A Yes. That's correct.

19 Q And before that, you stated that you did
20 not recall seeing any brake lights; is --

21 A I --

22 Q -- that correct?

23 A I don't remember, that's correct.

24 Q Okay. Now, in this -- where did you first
25 see this -- this wiggle?